

Remarks

In the September 20, 2007 restriction requirement for the above referenced application, the Examiner correctly noted that claim 79 – 155 were pending. In a November 20, 2007 response to the September 20, 2007 restriction requirement the Assignee elected group 1 which comprised claims 79 – 118 which the Examiner had classified as an artificial intelligence application (class 706) and added claims 156 – 161 as they were similar to Group 1.

On November 28, 2007 a notice of additional fees due was sent in association with the above referenced application presumably because the Examiner had elected to remove the restriction requirement for claims 79 - 161. In response to said notice, the Assignee cancelled the previously unelected claims 119 – 155 and added claims 162 – 164 in a January 25, 2008 response to the November 28, 2007 notice.

In an arbitrary and capricious change, the Examiner now contends that claims 79 -118 and claims 156 – 161 are separate inventions and that both are somehow now part of class 705. The Examiner now also claims that claims 162 – 164 represent an invention that is separate and distinct from the now allegedly separate invention detailed in claims 79 – 118 and the now allegedly separate invention detailed in claims 156 - 161.

Accordingly the Assignee, without commenting on: whether or not there is a legitimate basis (statutory or otherwise) for the restriction, whether or not there are separate inventions, whether or not the alleged separate inventions are distinct and/or whether or not the alleged relationships between the alleged inventions are in any way similar to the relationships the Examiner has alleged exists, elects group 1 (claims 79 - 118) with traverse.

Copending applications

Under the provisions of MPEP § 2001.06(b), the Examiner is hereby advised of the following copending U.S. Patent Application(s) which have claims pending that may be viewed as similar (with or without justification) to pending claims 79 - 118 of the instant application.

Application(s)	Pending claims that may viewed as being similar to claims 79 - 118	Summary of claims
09/764,068	36 – 63, 72 – 74 on appeal	Model of future or current enterprise market value by category of value, accounting
10/441,385	189 - 254	Element of value impact by category of value to market value or financial performance aspect
10/645,099	25 - 32	Element of value contribution by category of value to share price
10/746,673	all	Element of value contribution to segments of value

Applications 08/999,245, 09/761,670 and 10/287,586 also have claims related to element of value impact on a current operation. Office Actions for application that are and/or were copending that may be relevant include the 11/21/2000 Office Action for 08/999,245, the 10/20/2006 Office Action for 08/999,245, the 02/20/2007 Office Action for 08/999,245, the 09/10/2007 Office Action for 08/999,245, the 11/26/2001 Office Action for 09/293,336, the 01/06/2004 Office Action for 09/688,982, the 08/28/2006 Office Action for 09/688,982, the 12/24/2003 Office Action for 09/688,983, the 06/15/2004 Office Action for 09/688,983, the 02/24/2005 Office Action for 09/688,983, the 03/09/2006 Office Action for 09/688,983, the 01/03/2007 Office Action for 09/688,983, the 10/11/2005 Office Action for 09/761,670, the 05/09/2006 Office Action for 09/761,670, the 01/03/2007 Office Action for 09/761,670, the 05/03/2004 Office Action for 09/761,671, the 11/18/2004 Office Action for 09/761,671, the 09/30/2005 Office Action for 09/761,671, the 06/13/2006 Office Action for 09/761,671, the 10/06/2004 Office Action for 09/764,068, the 07/01/2005 Office Action for 09/764,068, the 12/30/2005 Office Action for 09/764,068, the 07/12/2006 Office Action for 09/764,068, the 08/23/2007 Office Action for 09/764,068, the 05/23/2003 Office Action for 09/940,450, the 11/24/2003 Office Action for 09/940,450, the 05/03/2006 Office Action for 09/940,450, the 09/07/2006 Office Action for 10/012,375, the 02/27/2007 Office Action for 10/012,375, the 08/23/2007 Office Action for 10/012,375, the 02/25/2008 Office Action for 10/012,375, the 07/12/2006 Office Action for 10/025,794, the 11/14/2007 Office Action for 10/025,794, the 03/31/2008 Office Action for 10/025,794, the 02/14/2007 Office Action for 10/036,522, the 11/14/2007 Office Action for 10/036,522, the 02/27/2007 Office Action for 10/097,344, the 08/23/2007 Office Action for 10/097,344, the 06/26/2007 Office Action for 10/166,758, the 7/11/2007 Office Action for 10/237,021, the 2/06/2008 Office Action for 10/237,021, the 12/20/2004 Office Action for 10/282,113, the 10/20/2005 Office Action for 10/282,113, the

02/24/2006 Office Action for 10/282,113, the 05/26/2006 Office Action for 10/282,113, the 03/27/2008 Office Action for 10/287,586, the 08/08/2003 Office Action for 10/012,374, the 01/21/2004 Office Action for 10/012,374, the 05/24/2004 Office Action for 10/012,374, the 08/23/2004 Office Action for 10/012,374, the 07/06/2005 Office Action for 10/012,374, the 05/22/2006 Office Action for 10/012,374, the 04/09/2007 Office Action for 10/046,094, the 12/04/2007 Office Action for 10/046,094, the 08/11/2004 Office Action for 10/329,172, the 06/08/2005 Office Action for 10/329,172, the 12/02/2005 Office Action for 10/329,172, the 07/24/2006 Office Action for 10/329,172, the 12/16/2003 Office Action for 10/441,385, the 11/02/2005 Office Action for 10/441,385, the 06/02/2006 Office Action for 10/441,385, the 11/03/2006 Office Action for 10/441,385, the 02/27/2007 Office Action for 10/441,385, the 08/10/2007 Office Action for 10/441,385, the 07/02/2004 Office Action for 10/674,861, the 09/26/2006 Office Action for 10/645,099, the 02/27/2007 Office Action for 10/645,099. the 01/09/2008 Office Action for 10/645,099. the 02/06/2007 Office Action for 10/743,616, the 07/26/2007 Office Action for 10/743,616, the 02/11/2007 Office Action for 10/743,616, the 04/12/2005 Office Action for 10/746,673, the 07/10/2006 Office Action for 10/746,673, the 01/23/2007 Office Action for 10/746,673, the 02/27/2007 Office Action for 10/746,673, the 11/20/2007 Office Action for 10/746,673, the 02/14/2008 Office Action for 10/747,471, the 08/09/2007 Office Action for 10/821,504, the 6/27/2007 Office Action for 11/360,087 and the 11/01/2007 Office Action for 11/360,087. In almost all cases these Office Actions are available from the U.S.P.T.O. Internet File Wrapper system.

Conclusion

The Assignee respectfully requests consideration of the present application as amended herewith.

Respectfully submitted,

Asset Trust, Inc.

/B.J. Bennett/

B.J. Bennett, President

Date: June 14, 2008